

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 9

Louisville, Kentucky

PLUMBERS SUPPLY COMPANY 1/

Employer

and

MARY LINDAUER, AN INDIVIDUAL

Petitioner

and

GENERAL DRIVERS, WAREHOUSEMEN AND HELPERS,
LOCAL UNION NO. 89 2/

Union

Case 9-RD-1993

DECISION AND DIRECTION OF ELECTION

Upon a petition duly filed under Section 9(c) of the National Labor Relations Act, as amended, a hearing was held before a hearing officer of the National Labor Relations Board, hereinafter referred to as the Board.

Pursuant to the provisions of Section 3(b) of the Act, the Board has delegated its authority in this proceeding to the undersigned.

Upon the entire record in this proceeding, the undersigned finds:

1. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.
2. The Employer is engaged in commerce within the meaning of the Act and it will effectuate the purposes of the Act to assert jurisdiction herein.
3. The labor organization involved claims to represent certain employees of the Employer.
4. A question affecting commerce exists concerning the representation of certain employees of the Employer within the meaning of Section 9(c)(1) and Section 2(6) and (7) of the Act.
5. The following employees of the Employer constitute a unit appropriate for the purpose of collective bargaining within the meaning of Section 9(b) of the Act: 3/

All full-time and regular part-time warehousemen/order clerks, truck drivers/yardmen and pipe cutters employed by the Employer at its Louisville, Kentucky facility, but excluding all seasonal employees, all office clerical employees and all professional employees, guards and supervisors as defined in the Act.

DIRECTION OF ELECTION

An election by secret ballot shall be conducted by the undersigned among the employees in the unit found appropriate at the time and place set forth in the notice of election to be issued subsequently, subject to the Board's Rules and Regulations. Eligible to vote are those in the unit who were employed during the payroll period ending immediately preceding the date of this Decision, including employees who did not work during that period because they were ill, on vacation, or temporarily laid off. Also eligible are employees engaged in an economic strike which commenced less than 12 months before the election date and who retained their status as such during the eligibility period and their replacements. Those in the military services of the United States may vote if they appear in person at the polls. Ineligible to vote are employees who have quit or been discharged for cause since the designated payroll period, employees engaged in a strike who have been discharged for cause since the commencement thereof and who have not been rehired or reinstated before the election date, and employees engaged in an economic strike which commenced more than 12 months before the election date and who have been permanently replaced. Those eligible shall vote whether or not they desire to be represented for collective-bargaining purposes by **General Drivers, Warehousemen and Helpers, Local Union No. 89.**

LIST OF ELIGIBLE VOTERS

In order to insure that all eligible voters may have the opportunity to be informed of the issues in the exercise of their statutory right to vote, all parties to the election should have access to a list of voters using full names, not initials, and their addresses which may be used to communicate with them.

Excelsior Underwear, Inc., 156 NLRB 1236 (1966); **N.L.R.B. v. Wyman-Gordon Company**, 394 U.S. 759 (1969); **North Macon Health Care Facility**, 315 NLRB 359 (1994). Accordingly, it is hereby directed that within 7 days of the date of this Decision 3 copies of an election eligibility list, containing the full names and addresses of all the eligible voters, shall be filed by the Employer with the undersigned who shall make the list available to all parties to the election. In order to be timely filed, such list must be received in Region 9, National Labor Relations Board, 3003 John Weld Peck Federal Building, 550 Main Street, Cincinnati, Ohio 45202-3271, on or before **May 24, 2002**. No extension of time to file this list shall be granted except in extraordinary circumstances, nor shall the filing of a request for review operate to stay the requirement here imposed.

RIGHT TO REQUEST REVIEW

Under the provisions of Section 102.67 of the Board's Rules and Regulations, a request for review of this Decision may be filed with the National Labor Relations Board, addressed to the Executive Secretary, 1099 - 14th Street, N.W., Washington, D.C. 20570. This request must be received by the Board in Washington by **May 31, 2002**.



Date May 17, 2002

at Cincinnati, Ohio

/s/ Richard L. Ahearn

Richard L. Ahearn, Regional Director
Region 9

355-3350

1/ The name of the Employer appears as amended at the hearing.

2/ The name of the Union appears as amended at the hearing.

3/ The Employer is engaged in the sale and distribution of plumbing fixtures and supplies at its Louisville, Kentucky facility. The record suggests that there are approximately 77 employees in the unit found appropriate.

It appears that the Employer and the Union were parties to a collective-bargaining agreement that has expired. The record does not reflect when the contract expired or its effective periods; however, the parties do not contend that the contract represents a bar to an election. The parties stipulated and I find, that the recognized unit, which apparently is consistent with the contractual unit, is appropriate for the purposes of the decertification election. It is well established that the bargaining unit in which a decertification election is held must be coextensive with the certified or recognized unit. *Campbell Soup Company*, 111 NLRB 234 (1955) and *Mo's West*, 283 NLRB 130 (1989). Accordingly, I shall direct an election in the unit set forth above.